



**Permanent Select Committee
on Intelligence
U.S. House of Representatives**

May 31, 2019

The Honorable Daniel R. Coats
Director of National Intelligence
Office of the Director of National Intelligence
Washington, DC 20511

Dear Director Coats:

President Trump's May 23, 2019 directive to you and other heads of agencies to assist and produce information to Attorney General William P. Barr in support of his "review of intelligence activities relating to the campaigns in the 2016 Presidential election and certain related matters"¹ represents a disturbing effort by the President and the Attorney General to politicize the Intelligence Community ("IC") and law enforcement, and raises grave concerns about inappropriate and misleading disclosures of classified information and IC sources and methods for political ends. This action necessitates vigorous oversight by the House Permanent Select Committee on Intelligence ("Committee").

In parallel with their effort to misrepresent the contents of Special Counsel Robert S. Mueller III's report, the President and Attorney General recently have engaged in a public campaign to further a conspiracy theory about the investigation of Russia's interference in the 2016 election. The Special Counsel's report definitively establishes that the counterintelligence investigation was properly initiated based on credible information from an intelligence partner.² Yet the Attorney General has called into question, without evidence, the validity of the predication of what became the Special Counsel's investigation.³ President Trump has denounced as a "coup" the Special Counsel's investigation, which conclusively documented Russia's "systematic attack on our political system" during the 2016 presidential election, the

¹ President Donald J. Trump, *Memorandum on Agency Cooperation with Attorney General's Review of Intelligence Activities Relating to the 2016 Presidential Campaigns*, May 23, 2019, available at <https://www.whitehouse.gov/presidential-actions/memorandum-agency-cooperation-attorney-generals-review-intelligence-activities-relating-2016-presidential-campaigns/>.

² Special Counsel Robert S. Mueller III, *Report on the Investigation Into Russian Interference in the 2016 Presidential Election, Volume I*, Washington D.C., March 2019, p. 6.

³ Caitlin Oprysko, "Barr forcefully defends DOJ probe into origin of the Russia investigation," Politico, May 17, 2019, available at <https://politi.co/2MeJEot>.

Trump campaign's eagerness to accept foreign help and make use of it, and the President's multiple attempts to obstruct the investigation.⁴

With the May 23 directive, the President has concentrated in Barr's hands sweeping authority to declassify or downgrade information or intelligence from the IC. Before exercising that authority, Barr is authorized—though not required—to consult with the head of the originating IC element or other agency, and then only to the extent Barr deems such consultation to be “practicable.”⁵ This approach threatens national security by subverting longstanding rules and practices that obligate you and other heads of IC agencies to safeguard sources and methods and prevent the politicization of intelligence and law enforcement.⁶ It is also unnecessary. A review of this nature by the Attorney General, or a U.S. Attorney, does not require such an unprecedented grant of authority over classified information and the potential disclosure of sources and methods at the expense of the protection of our country's most sensitive information.

Most perniciously, the directive seeks to enlist your agencies in an effort by the President and the Attorney General to politicize the IC and law enforcement, to delegitimize a well-founded investigation into the President, and to attack the President's political enemies. Moreover, the Attorney General apparently requested—and the President issued—this directive while the White House and the Department of Justice continue to stonewall congressional oversight and investigations, including some undertaken by this Committee, demonstrating a desire not only to shift the public narrative away from the President's misconduct, but also to undermine Congress's constitutional authority as a separate and co-equal branch of government.

In the wake of the directive, the Committee will conduct rigorous, ongoing oversight of your agency and others in the IC to ensure that the Attorney General does not abuse his new and sweeping authority. Congress, and this Committee, must serve as a check on this abuse of power to ensure that the IC can fulfill its lawful mission and law enforcement can conduct appropriately predicated investigations of powerful government officials without fear of retribution.

The Committee therefore requests, pursuant to your statutory obligation⁷ to keep the Committee fully and currently informed of the IC's activities:

⁴ Remarks by Special Counsel Robert S. Mueller III, May 29, 2019, *available at* <https://www.cnn.com/2019/05/29/politics/mueller-full-remarks/index.html>; Cheyenne Haslett, “Trump repeats unsubstantiated claims of ‘coup’ attempt after former FBI lawyer knocks them down,” ABC News, May 13, 2019, *available at* <https://abcn.ws/2WcR1RT>.

⁵ *Memorandum on Agency Cooperation*, § 2.

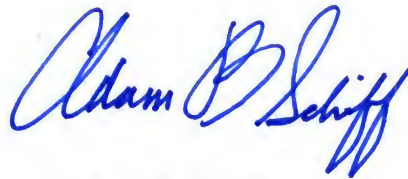
⁶ *See, e.g.* 50 U.S.C. § 3024(i) (DNI obligated to protect sources and methods); 50 U.S.C. § 3024(a)(2) (DNI responsible for ensuring “national intelligence should be timely, objective, [and] **independent of political considerations**”) (emphasis supplied).

⁷ 50 U.S.C. § 3092.

1. An in-person briefing from you to explain what President Trump, Attorney General Barr, or their associates have requested and conveyed thus far to the Office of the Director of National Intelligence (ODNI) and the heads of IC elements or other departments or agencies subject to the May 23 directive, regarding the Attorney General's "review of intelligence activities relating to the campaigns in the 2016 Presidential election and certain related matters" and/or implementation of the May 23 directive;⁸
2. That ODNI and the heads of IC elements and other departments or agencies subject to the directive furnish to the Committee any and all documents, material, or information—regardless of form or classification—that are provided or made available to the Department of Justice for the purposes of the Attorney General's review;
3. That ODNI and the heads of IC elements or other departments and agencies subject to the May 23 directive shall inform the Committee prior to any declassification at the Department of Justice's request or pursuant to the Attorney General's authority under the May 23 directive; and
4. That ODNI and the heads of IC elements or other departments and agencies subject to the May 23 directive immediately notify the Committee—and provide an assessment of the harms to national security—of any declassification that has been or will be made over IC objection.⁹

I ask that you reply in writing to this letter and make arrangements for fulfillment of the requests set forth above by no later than 5 p.m. on **June 6, 2019**. Should you have any questions, please contact Committee staff at (202) 225-7690.

Sincerely,



Adam B. Schiff
Chairman

⁸ This request includes, but is not limited to, a discussion regarding the process for declassification pursuant to the May 23 directive.

⁹ By "over IC objection", we mean: (1) without formal approval of the IC, including where the IC provides input to a decision ultimately made by the Attorney General or (2) under circumstances where the IC would not declassify the information but-for the Department of Justice's interest or request. We expect to alter this definition upon receiving the briefing regarding, among other things, the process for declassification.